

JUDGE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,) No. CR23-116-JCC
Plaintiff,)
v.) (PROPOSED) ORDER GRANTING
ERIC RUSSELL ORTH,) UNOPPOSED MOTION TO
Defendant.) CONTINUE TRIAL AND EXTEND
) PRETRIAL MOTIONS DEADLINE

THE COURT has considered the unopposed motion of the defense to continue the trial date and extend the pretrial motions deadline and, based on the representations in the motion, finds that:

(a) taking into account the exercise of due diligence, a failure to grant a continuance in this case would deny counsel for the defendant the reasonable time necessary for effective preparation due to counsel's need for more time to review the evidence, consider possible defenses, and gather evidence material to the defense, as set forth in 18 U.S.C. § 3161(h)(7)(B)(iv); and

(b) a failure to grant such a continuance in this proceeding would likely result in a miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i); and

(c) the additional time requested is a reasonable period of delay, as the defendant has requested more time to prepare for trial, to investigate the matter, to gather evidence material to the defense, and to consider possible defenses; and

1 (d) the ends of justice will best be served by a continuance, and the ends of
2 justice outweigh the best interests of the public and the defendant in any speedier trial,
3 as set forth in 18 U.S.C. § 3161(h)(7)(A); and

4 (e) the additional time requested between the current trial date of May 28, 2024,
5 and the new trial date is necessary to provide counsel for the defendant the reasonable
6 time necessary to prepare for trial, considering counsel's schedule and all of the facts
7 set forth above; and

8 (f) the period of delay from the date of this order to the new trial date is
9 excludable time pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (h)(7)(B)(iv).

10 IT IS THEREFORE ORDERED that the trial date in this matter shall be
11 continued to August 5, 2024, and that pretrial motions shall be filed no later than July 1,
12 2024.

13 DONE this 30th day of April 2024.



15 JOHN C. COUGHENOUR
16 UNITED STATES DISTRICT JUDGE

17 Presented by:

19 s/ *Colleen P. Fitzharris*
20 Assistant Federal Public Defender
21 Attorney for Eric Orth